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August 29, 2022

VIA ECF

Hon. Georgette Castner, U.S.D.J.
U.S. District Court, District of New Jersey
Clarkson S. Fisher Federal Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *Takata v. Riot Blockchain, Inc., et al.*
Civil Action No. 3:18-cv-02293-GC-RLS

Dear Judge Castner:

We oppose Lead Plaintiff's letter request for leave to file an opposition brief of up to 100 pages in length, as we believe that deviation from the local rules is unnecessary, unwarranted and is more likely to confuse issues rather than to clarify.

The operative Third Amended Complaint is Lead Plaintiff's fifth attempt, over a span of more than four years, to plead valid causes of action against the defendants [Dkt. 1, 52, 72, 73 and 188]. Lead Plaintiff has argued the validity of his claims in multiple rounds of briefing, comprising well over 200 total pages [Dkt. 135, 136, 153, 154, 163, 169, 180, 201 and 219]; despite that effort, two prior District Judges have dismissed Lead Plaintiff's claims [Dkt. 166 and 223]. As explained in the defendants' pending motions to dismiss, the paltry revisions that Lead Plaintiff made from his Second to Third Amended Complaint amount to mere word-smithing, and do not cure the fatal defects previously identified by two District Judges. Another hundred pages of argument will not change that.

The various defendants are differently-situated; some are former officers of defendant corporation Riot Blockchain, while my client was a one-time minority outside investor. Different factual and legal claims are asserted against each defendant. Defendants believe that requiring Lead Plaintiff to separately respond to the motions to dismiss filed by each of the differently-situated defendants will provide better clarity to the Court about the issues relevant to each.

Respectfully submitted,

/s/ Robert D. Weber

Robert D. Weber

RDW:sj

cc: All Counsel (via ECF)